

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-23 are all the claims pending in the application, as claims 21-23 are hereby added.

Claim 7 is objected to for various informalities. The informalities noted by the Examiner have been corrected by the amendment made herein, thus Applicant respectfully requests that the Examiner withdraw the objection.

Claims 1-6, 8-14, 16, 17 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Niikawa et al. (U.S. Pat. No. 6,834,130; hereinafter "Niikawa"). Applicant submits the rejection is improper.

Independent claim 1 recites, in part:

a first collection section which collects operation information representing an operating state of the photography apparatus; and

a processing section which carries out processing for transferring operation information collected by the first collection section to an information tabulating device which tabulates the operation information.

Thus, independent claim 1 requires, *inter alia*, a first collection section which collects operation information of the photography apparatus, and a processing section which carries out processing for transferring the operation information to an information tabulating device.

Regarding independent claim 1, the Examiner asserts that Niikawa discloses all of the above-noted features. Specifically, the Examiner argues that (1) the memory card in Niikawa¹

¹ See Niikawa, FIG. 4, element 8.

corresponds to the claimed first collection section, (2) the controller² corresponds to the claimed processing section, and (3) the data processor³ corresponds to the claimed information tabulating device. Applicant disagrees with the Examiner's position.

Initially, Applicant notes that the claimed invention is directed to a photography apparatus which operates according to operation thereof by a customer, where the photography apparatus comprises a first collection section which collects operation information representing an operating state of the photography apparatus. Niikawa, on the other hand, is merely directed to an image retrieval system for retrieving a plurality of images recorded in a recording medium.⁴

Further, Applicant submits that even assuming, *arguendo*, the memory card in Niikawa corresponds to the claimed first collection section, and the data processor in Niikawa corresponds to the claimed information tabulating device as the Examiner asserts, the controller cannot correspond to the claimed processing section, since the controller (211) in Niikawa does not carry out processing for transferring operation information collected by the memory into the data processor (39).

In particular, Applicant submits while the controller (211) in Niikawa processes the recording of the history data into the memory card (8),⁵ the controller does not transfer anything to the data processor (39). That is, the alleged processing section does not transfer anything

² See Niikawa, FIG. 4, element 211.

³ See Niikawa, FIG. 10, element 39.

⁴ See Niikawa, Abstract.

⁵ See Niikawa, col. 9, lines 44-61.

whatsoever to the alleged tabulating device. To the contrary, Niikawa states that once data is stored on the memory card (8), and the memory card is then connected to the image display device (21), the data processor (39) controls the memory card slot (29) and facilitates transferring the data stored on the memory card (8) to the display device (21) for processing. In other words, in Niikawa, the controller (211) does not carry out any processing for transferring operation information allegedly collected by the memory card (8) into the data processor (39), as the Examiner alleges. Thus, Niikawa fails to teach or suggest a processing section which carries out processing for transferring operation information collected by a first collection section to an information tabulating device which tabulates the operation information. Consequently, Applicant submits Niikawa fails to teach or suggest all of the claimed features of present invention.

Furthermore, Applicant notes that the invention of Niikawa is generally directed to an image retrieval system for retrieving an image acquired by a digital camera based on history information (data) of operations performed with respect to the image by the digital camera or an image displaying device which can display the image, perform operations to the image, and record the performed operations as history data.

The Examiner alleges that the memory card 8, the history data card shown in FIGS. 15 and 16, the controller 211, and the data processor 39 of Niikawa correspond to the claimed first collection section, the operation information, the processing section and the information tabulating device recited in independent claim 1. Applicant respectfully disagrees with the Examiner's position.

Instead, Niikawa collects and records the operation history of the camera (or the like) with respect to the acquired image for the sake of utilizing the history to retrieve the image from among plural images at a later stage. Therefore, even if the memory card 8 collects information including the operation state of the camera (such as ON, OFF status of the flash, etc.), the operations of the camera are recorded for each acquired image as shown in FIGS. 15 and 16. Since the object of collecting the operation history is to utilize it for retrieving the image, this operation history would not be tabulated for each camera, i.e., it would not include "at least one of a number of uses of each of the functions and an amount of time that each of the functions is used," as recited in amended claim 1.

Contrarily, the present invention collects the operation information for recording and analyzing the operation state of the camera, and differs from Niikawa in that the operation information is tabulated for each camera.

Regarding dependent claim 2, the Examiner contends that Niikawa discloses all of the claimed features, including:

the first collection section collects, as the operation information, at least one of: a number of times photographing is carried out; numbers of uses of each of various kinds of photographing modes; a number of uses of a flash; numbers of uses of each of various kinds of flash emitting modes; numbers of uses of each of photographing magnifications during photographing; an amount of time that a moving picture is photographed; an amount of time that a photographed moving picture is reproduced; a number of uses of a continuous photographing mode; a total number of times photographing is carried out in continuous photographing mode; a number of deletions of image data; numbers of deletions of image data for each of various kinds of photographing modes; a number of times

a battery is changed; and a number of times the information storage medium is loaded into the photography apparatus.

Applicant respectfully disagrees with the Examiner's position.

While Niikawa does disclose collecting "history data" related to the stored images, the "history data" disclosed in Niikawa does not correspond to the claimed operation information cited above. Rather, the history data disclosed in Niikawa merely corresponds to the data displayed in columns 1-18 of the history table shown in FIGS. 15 and 16 in Niikawa. None of the data stored in the history table corresponds to the claimed features noted above. Further, while Niikawa does disclose that column 5 of the history table stores data indicating whether the flash was "ON" or "OFF," Applicant points out that the stored flash status is not equivalent to the claimed number of uses of a flash and numbers of uses of each of various kinds of flash emitting modes as the data is not tabulated as operation information by the information tabulating device. Thus, in addition to those reasons stated above regarding independent claim 1, Applicant submits that Niikawa fails to teach or suggest all of the claimed features of dependent claim 2, for at least these reasons.

Regarding claim 3, the Examiner asserts that Niikawa discloses all of the claimed features. Again, Applicant respectfully disagrees with the Examiner's position. Dependent claim 3 recites, in part:

the photography apparatus is provided with a function by which a subject is photographed and image data obtained by the photographing is recorded in an information storage medium; and

the processing section executes, as the processing for transferring the operation information to the information tabulating

device, processing by which the operation information is recorded
in the information storage medium.

Thus, dependent claim 3 requires, *inter alia*, an information storage medium in addition to the first collection section claimed in independent claim 1.

Specifically, the Examiner argues that Niikawa discloses the photography apparatus where image data obtained by the photographing is recorded in an information storage medium. In support of his position, the Examiner cites Niikawa, col. 8, lines 45-67. However, the Examiner fails to indicate which component of Niikawa corresponds to the claimed information storage medium.

As indicated above regarding independent claim 1, the Examiner alleged that the memory card in Niikawa corresponds to the claimed first collection section. Even assuming, *arguendo*, that the memory card (8) in Niikawa corresponds to the claimed first collection section, the image memory (209)⁶ corresponds to the claimed information storage medium,⁷ and the image data used in Niikawa somehow corresponds to the claimed operation information,⁸ Applicant submits that Niikawa fails to teach or suggest the claimed feature of “the operation information is recorded in the information storage medium.”

⁶ See Niikawa, col. 8, lines 45-50.

⁷ Assuming that the Examiner is not double-counting the memory card (8) of Niikawa as corresponding to both the claimed first collection section and the information storage medium.

⁸ We note that the Examiner does not indicate which part of the “image data” in Niikawa he considers as anticipating the claimed operation information. Instead, on page 2 of the Office Action, regarding independent claim 1, the Examiner only generally cites Niikawa, col. 10, line 60 to col. 11, line 5 as disclosing the claimed operation information.

Particularly, Applicant points out that Niikawa states that when the shutter button is pressed in the photographing mode, only thumbnail image data is stored to the image memory (209).² Moreover, none of the image data allegedly collected by the memory card is ever stored to the image memory (209). Furthermore, Applicant notes that dependent claim 3 is directed to the photography apparatus according to claim 1. Niikawa specifically states that the display device (21) and the digital camera (1) are separate devices, with separate sets of data (“R” for the display device (21) and “M” for the digital camera (1)).¹⁰ As such, Applicant submits that Niikawa fails to teach or suggest the claimed feature of “the operation information is recorded in the information storage medium” Accordingly, Applicant submits that Niikawa is further deficient in this regard.

In view of the above-noted elements missing from Niikawa, Applicant submits independent claim 1 is patentable over Niikawa for at least these reasons, and further, that dependent claims 2-7, as well as new dependent claim 21, are all patentable over Niikawa, at least by virtue of their dependency on independent claim 1.

With regard to claim 8, Applicant notes that independent claim 8 recites, in part:

A photography apparatus which photographs a subject selectively using a plurality of functions offered by the photography apparatus, the photography apparatus comprising:

a control section which controls the photography apparatus so that information on use of each of the functions, which

² See Niikawa, col. 8, lines 45-51.

¹⁰ See Niikawa, col. 11, lines 12-17.

information is useful for improvement of each of the functions is collected;

The Examiner maintains that Niikawa teaches these unique features, and cites col. 8, lines 45-67 in support of his position. Applicant respectfully disagrees.

Niikawa discloses the controller (211) storing tag information and history data related to images being photographed. The information, i.e., history data, stored in Niikawa, as noted above and shown in the history tables of FIGS. 15 and 16, is merely used for image retrieval purposes.¹¹ That is, the history data, is not used for the improvement of each of the functions offered by the photography apparatus. Indeed, Niikawa is silent on collecting any information used for the improvement of the functions offered by a photography apparatus. Instead, Niikawa collects data solely for the purpose of information retrieval. Thus, Applicant submits that independent claim 8 is patentable over Niikawa for at least these reasons. Applicant submits further submit that since independent claim 20 recites features analogous to independent claim 8, independent claim 20 is patentable over Niikawa for reasons analogous to those stated above regarding independent claim 8. Additionally, Applicant submits that dependent claims 9-19, and new claims 22 and 23 are also patentable over the applied references at least by virtue of their respective dependency on claims 8 and 20.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa, in view of Uchara, (U.S. Pat. No. 5,481,303).

¹¹ See Niikawa, Abstract.

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With regard to the rejection of claims 15, 18 and 19, Applicant submits that Uchara fails to cure the deficiency noted above regarding Niikawa. Therefore, in view of the above, Applicant submits that dependent claims 15, 18 and 19 are all patentable over the applied references, at least by virtue of their dependency on independent claim 8.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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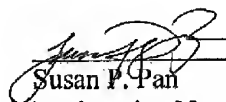
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